Remarks

The Examiner rejected claims 85, 86, 90-95, 100 and 101 under 35 U.S.C. 103(a) as being allegedly obvious over Shyu in view of Shimizu. In response, applicant has amended claims 85 and 100. Claim 95 has been cancelled.

The invention is directed to an improvement of a user interface for effectively realizing automatic parking. For example, the user interface in accordance with the invention includes a display, on which a user may define a parking space into which the vehicle is parked. The feasibility of the parking space is demonstrated to the user before the vehicle is actually parked by showing on the display a simulation of the parking based on calculated speed and steering parameters. The user interface may also include a transmitter for remotely signaling by the user to the vehicle system to initiate the actual parking, and to abort the parking for any reasons. *See* page 20, line 6 *et seq.* of the specification.

Shyu discloses an automatic parking device for automobiles. However, nowhere does Shyu teach or suggest a user "defining ... on [a] display a parking space" into which the vehicle is to be parked, as amended claim 85 now recites. Shyu at best discloses use of a keyboard comprising push buttons to select a parking mode, "i.e., modes of left side parallel parking, left side perpendicular parking, right side parallel parking and right side perpendicular parking." Col. 7, line 8 *et seq.* of Shyu. However, such a keyboard selection of a parking mode in Shyu does not meet "defining ... on the display a parking space" as in the claimed invention.

Moreover, the Examiner admitted that Shyu fails to teach showing "a simulation of parking a vehicle ... on the display." Office Action at p. 2. However, the Examiner asserted that Shimizu discloses such a displayed simulation. This assertion is respectfully traversed.

Shimizu discloses an automatic driving apparatus. Nowhere does Shimizu teach or suggest displaying "a simulation of parking the vehicle based on the parameters ...

before the vehicle is parked into the parking space," as amended claim 85 now recites. By contrast, Shimizu at best discloses informing the driver of "the current states of the automatic driving mode in ... pictures" (col. 7, line 11 *et seq.* (emphasis added)), rather than a parking simulation before the vehicle is actually parked as in the claimed invention. Nor does Shimizu teach or suggest the user "defining ... on the display a parking space," which Shyu as discussed before fails to teach or suggest, as well. As such, amended claim 85, together with its dependent claims, is patentable over Shyu in view of Shimizu. Since amended claim 100 includes limitations similar to those of amended claim 85, amended claim 100, together with its dependent claims, is also patentable over the cited references.

The Examiner attempted to take official notice to fill the gaps between the claimed invention and the cited references. For example, the Examiner attempted to take official notice that an interface including a display is well known. Not only should use of official notice be "rare" in final office actions, "[i]t is never appropriate to rely solely on 'common knowledge' in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based." "[A]n assessment of basic knowledge and common sense that is not based on any evidence in the record lacks substantial evidence support." MPEP 2144.03. The Examiner's use of this official notice is thus improper. If it is based on the Examiner's personal knowledge that "an interface for defining by a user on the display a parking space into which the vehicle is to be parked" is in prior art, applicant requests that the Examiner provide an affidavit to that effect on the record.

The Examiner also rejected claims 87-89 and 102-104 under 35 U.S.C. 103(a) as being allegedly obvious over Shyu in view of Shimizu and Gandiglio. However, because Gandiglio also fails to meet the limitations which the Shyu and Shimizu disclosures lack as discussed before, these claims are patentable by virtue of their dependency from amended claims 85 and 100.

Regarding claims 89 and 104, the Examiner attempted to take official notice that

"audio reminders for when a user leaves the headlamps on or keys in the ignition, or visual reminders such as when the user fails to buckle themselves in, or the car's oil needs to be changed" are well known. Office Action at page 5. Notwithstanding such, the Examiner fails to cite any prior art or take official notice to fill the distinct gap -- "requesting a user of the vehicle to exit the vehicle before parking of the vehicle," as claims 89 and 104 recite. If it is based on the Examiner's personal knowledge that such a claim limitation is well known, applicant requests that the Examiner provide an affidavit to that effect on the record. Otherwise, claims 89 and 104 are also patentable in their own right.

Applicant submits herewith a Second Supplemental Information Disclosure Statement (IDS) by Applicant (2 pages), listing additional references which are or may be material to the examination of the subject application. Copies of the additional references are enclosed. It is respectfully requested that they be made of record in the file history of the application.

Identification of references in the IDS is not to be construed as an admission by applicant or attorneys for applicant that such references are available as "prior art" against the subject application. The right is reserved to antedate any listed reference in accordance with standard procedures.

In view of the foregoing, each of claims 85-94, and 100-104, as amended, is believed to be in condition for allowance. Accordingly, reconsideration of these claims is

requested and allowance of the application is earnestly solicited.

Respectfully,

Michael L. Obradovich

By _____
Alex L. Yip, Attorney
Reg. No. 34,759
212-836-7363

Date: March 16, 2005
Enclosures